IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

CIVIL ACTION NO. 5:13-CV-256 (MTT)
))

ORDER

The Defendant has moved to exclude Gloria Merkerson as a witness at trial because of her "obstruction of legal process by repeated and deliberate evasion of service of deposition subpoena." (Doc. 122). The Defendant states that he has used two process servers to serve her with a subpoena in a total of seven attempts, but she has evaded service and has otherwise refused to accept service. The Defendant argues that allowing this witness to testify would result in prejudice. Given the Defendant's pending motion for summary judgment, the Court concludes that this motion to exclude is premature. However, if the Court denies the Defendant's motion for summary judgment, the Court will address this matter upon a renewed motion at the appropriate time. Accordingly, the Defendant's motion to exclude Gloria Merkerson as a witness is **DENIED**.

SO ORDERED, this 16th day of March, 2016.

<u>S/ Marc T. Treadwell</u> MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT